

11/23/01  
JC923 U.S. PTO

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (4/98)  
Approved for use through 09/30/2000. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. AV1-059

First Inventor or Application Identifier William Fuglevand et al.

Title See 1 in Addendum

Express Mail Label No. BY HAND-DELIVERY

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ \* Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages 103]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 28]  
FIGS. 1-28
4. Oath or Declaration [Total Pages 4]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Box 16 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

5. ☐ Microfiche Computer Program (Appendix)
6. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy (identical to computer copy)
  - c. ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ 37 C.F.R. § 3.73(b) Statement of Power of Attorney (when there is an assignee)
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☒ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
13. ☐ \* Small Entity Statement filed in prior application (PTO/SB/09-12) ☐ Status still proper and desired
14. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
15. ☒ Other: Check:  
Certificate of Hand-Delivery  
Substitute Drwg. Req. (28 sheets)

\* NOTE FOR ITEMS 1 & 13 IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:


☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09/322,666  
Prior application information: Examiner S. Kalafut Group / Art Unit: 1745

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 021567 or ☒ Correspondence address below  
(Insert Customer No. or Attach bar code label here)

Name	Deepak Malhotra			
	Wells, St. John, Roberts, Gregory & Matkin P.S.			
Address	W. 601 First Avenue, Suite 1300			
City	Spokane	State	WA	Zip Code
Country		Telephone	509-624-4276	Fax
				99201-3828
				509-838-3424

Name (Print/Type)	Deepak Malhotra	Registration No. (Attorney/Agent)	33,560
Signature		Date	November 21, 2001

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

Attachment to PTO/SB/05 (4/98) Utility Patent Application  
Transmittal

1. Fuel Cell Power Systems and Methods of Controlling a Fuel Cell Power System

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 3668.00

**Complete if Known**

|                      |                          |
|----------------------|--------------------------|
| Application Number   | Filed Herewith           |
| Filing Date          |                          |
| First Named Inventor | William Fuglevand et al. |
| Examiner Name        | S. Kalafut               |
| Group Art Unit       | 1745                     |
| Attorney Docket No.  | AV1-059                  |

**METHOD OF PAYMENT**

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

23-0925

Deposit  
Account  
Name

Wells, St. John, et al.

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status  
See 37 CFR 1.27

2. ☒ Payment Enclosed:

- ☒ Check ☐ Credit card ☐ Money  
Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

| Fee Code            | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid    |
|---------------------|----------|----------|----------|------------------------|-------------|
| 101                 | 740      | 201      | 370      | Utility filing fee     | 740.00      |
| 106                 | 330      | 206      | 165      | Design filing fee      |             |
| 107                 | 510      | 207      | 255      | Plant filing fee       |             |
| 108                 | 740      | 208      | 370      | Reissue filing fee     |             |
| 114                 | 160      | 214      | 80       | Provisional filing fee |             |
| <b>SUBTOTAL (1)</b> |          |          |          |                        | <b>(\$)</b> |

**2. EXTRA CLAIM FEES**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 122                | -20** = 102  | 18.00          | 1836.00  |
| 16                 | -3** = 13    | 84.00          | 1092.00  |
| Multiple Dependent |              |                | 0.00     |

Large Entity Small Entity

| Fee Code            | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid           |
|---------------------|----------|----------|----------|--|--------------------|
| 103                 | 18       | 203      | 9        | Claims in excess of 20                                     |                    |
| 102                 | 84       | 202      | 42       | Independent claims in excess of 3                          |                    |
| 104                 | 280      | 204      | 140      | Multiple dependent claim, if not paid                      |                    |
| 109                 | 84       | 209      | 42       | ** Reissue independent claims over original patent         |                    |
| 110                 | 18       | 210      | 9        | ** Reissue claims in excess of 20 and over original patent |                    |
| <b>SUBTOTAL (2)</b> |          |          |          |  | <b>(\$)2928.00</b> |

\*\*or number previously paid, if greater; For Reissues, see above


**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Fee Code            | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description  | Fee Paid         |
|---------------------|-----------------------|-----------------------|-----------------------|--|------------------|
| 105                 | 130                   | 205                   | 65                    | Surcharge - late filing fee or oath  |                  |
| 127                 | 50                    | 227                   | 25                    | Surcharge - late provisional filing fee or cover sheet                     |                  |
| 139                 | 130                   | 139                   | 130                   | Non-English specification  |                  |
| 147                 | 2,520                 | 147                   | 2,520                 | For filing a request for <i>ex parte</i> reexamination                     |                  |
| 112                 | 920*                  | 112                   | 920*                  | Requesting publication of SIR prior to Examiner action                     |                  |
| 113                 | 1,840*                | 113                   | 1,840*                | Requesting publication of SIR after Examiner action                        |                  |
| 115                 | 110                   | 215                   | 55                    | Extension for reply within first month                                     |                  |
| 116                 | 400                   | 216                   | 200                   | Extension for reply within second month                                    |                  |
| 117                 | 920                   | 217                   | 460                   | Extension for reply within third month                                     |                  |
| 118                 | 1,440                 | 218                   | 720                   | Extension for reply within fourth month                                    |                  |
| 128                 | 1,960                 | 228                   | 980                   | Extension for reply within fifth month                                     |                  |
| 119                 | 320                   | 219                   | 160                   | Notice of Appeal   |                  |
| 120                 | 320                   | 220                   | 160                   | Filing a brief in support of an appeal                                     |                  |
| 121                 | 280                   | 221                   | 140                   | Request for oral hearing   |                  |
| 138                 | 1,510                 | 138                   | 1,510                 | Petition to institute a public use proceeding                              |                  |
| 140                 | 110                   | 240                   | 55                    | Petition to revive - unavoidable   |                  |
| 141                 | 1,280                 | 241                   | 640                   | Petition to revive - unintentional   |                  |
| 142                 | 1,280                 | 242                   | 640                   | Utility issue fee (or reissue)   |                  |
| 143                 | 460                   | 243                   | 230                   | Design issue fee   |                  |
| 144                 | 620                   | 244                   | 310                   | Plant issue fee  |                  |
| 122                 | 130                   | 122                   | 130                   | Petitions to the Commissioner  |                  |
| 123                 | 50                    | 123                   | 50                    | Processing fee under 37 CFR 1.17(q)  |                  |
| 126                 | 180                   | 126                   | 180                   | Submission of Information Disclosure Stmt                                  |                  |
| 581                 | 40                    | 581                   | 40                    | Recording each patent assignment per property (times number of properties) |                  |
| 146                 | 740                   | 246                   | 370                   | Filing a submission after final rejection (37 CFR § 1.129(a))              |                  |
| 149                 | 740                   | 249                   | 370                   | For each additional invention to be examined (37 CFR § 1.129(b))           |                  |
| 179                 | 740                   | 279                   | 370                   | Request for Continued Examination (RCE)                                    |                  |
| 169                 | 900                   | 169                   | 900                   | Request for expedited examination of a design application                  |                  |
| Other fee (specify) |                       |                       |                       |  |                  |
| <b>SUBTOTAL (3)</b> |                       |                       |                       |  | <b>(\$) 0.00</b> |

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY**

Complete (if applicable)

|                   |   |                                      |                   |           |              |
|-------------------|---|--------------------------------------|-------------------|-----------|--------------|
| Name (Print/Type) | Deepak Malhotra   | Registration No.<br>(Attorney/Agent) | 33,560            | Telephone | 509/624-4276 |
| Signature         |  | Date                                 | November 21, 2001 |           |              |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Priority Application Serial No. .... 09/322,666  
Priority Filing Date ..... May 28, 1999  
Inventor ..... William Fuglevand et al.  
Assignee ..... Avista Laboratories, Inc.  
Priority Group Art Unit ..... 1745  
Priority Examiner ..... S. Kalafut  
Attorney's Docket No. .... AV1-059  
Title: Fuel Cell Power Systems and Methods of Controlling a Fuel Cell Power System

CERTIFICATE OF HAND-DELIVERY

I hereby certify that on November 23, 2001, I hand-delivered the below-listed application papers to

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

in connection with filing the patent application as listed above. The papers hand-delivered are as follows:

1. Return Postcard Receipt
2. A \$3668 check
3. PTO Utility Application Transmittal Form (PTO/SB/05)
4. Fee Transmittal Form (PTO/SB/17)
5. 103 pages of Specification, Claims and Abstract plus title page of priority application
6. Inventors' Declaration (copy from priority application)
7. 28 sheets of formal drawings (Figs. 1-28) from priority application
8. Substitute Drawing Request with 28 sheets of substitute formal drawings (Figs. 1-28)
9. Preliminary Amendment
10. Certificate of Hand-Delivery of Patent Application Papers

Dated this 23 day of November, at \_\_\_\_\_

Sunny Downs  
Sunny Downs